

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAVID EARL WATTLETON,

Plaintiff,

-vs-

NANCY A. BERRYHILL, Acting,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case: 1:19-cv-01404
Assigned To : Unassigned
Assign. Date : 5/14/2019
Description: FOIA/Privacy Act (I-DECK)

COMPLAINT

COMES NOW, the plaintiff, David Earl Wattleton, as pro se, hereby brings this action under the Freedom of Information Act, 5 U.S.C. § 552, to enjoin defendants, the united states Social Security Administration, from improperly withholding records requested by plaintiff pursuant to FOIA.

The FOIA, 5 U.S.C. § 552, requires agencies of the federal government to release information to the public upon request, unless one of nine specific statutory exemption applies. 5 U.S.C. § 552(b).

After receiving a FOIA request, an agency has 20 working days to respond. 5 U.S.C. § 552(a)(b)(A).

JURISDICTION AND VENUE

This action arises under FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974 (PA), 5 U.S.C. § 552a.

This court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B) and 5 U.S.C. § 552 (a)1)(B).

PARTIES

Plaintiff David Earl Wattleton, is a citizen residing at FMC Rochester, PMB 4000, Rochester, Minnesota, 55903.

Defendant, the united states Social Security Administration is an agency

of the United States of America, subject to the FOIA pursuant to 5 U.S.C. § 552(f). The United States Social Security Administration has possession, custody, or control of the records plaintiff seeks.

CLAIM FOR RELIEF

On or about February, 2019, plaintiff made a written request pursuant to the Act on SSA. A true and correct copy of the request is attached to this complaint by reference in it as Exhibit A.

The SSA failed to make a timely determination, thus the plaintiff constructively exhausts his administrative remedies and may seek judicial review without first having to pursue an administrative appeal. 5 U.S.C. § 552(a)(b)(C); Pollack v Dep't of Justice, 49 F.3d. 115, 118-19 (4th Cir. 1995); Walden v U.S. Dep't of Justice, 981 F.Supp.2d. 14, 16-17 (D.D.C. 2013).

The information sought by plaintiff in his request is not exempt from disclosure under FOIA, because this information SSA processes w-2 forms for the IRS pursuant to an agreement between the two agencies. 42 U.S.C. § 432.

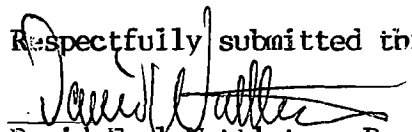
The defendant's actions in denying-refusing to respond in 20 working days-the plaintiff the requested information is illegal in that the FOIA requires the production of the information sought and that to the extent that the defendants have any discretion in releasing the information sought they have abused their discretion in withholding the information from the plaintiff in this case.

PRAYER

The plaintiff prays that this Court enter an order:
Directing the defendants to release to the plaintiff the w-2 forms for taxable years 1986 - 1999, the amounts plaintiff has been paid by employer, and taxes that have been withheld by employer. That the plaintiff be awarded costs and attorney fees. And for all other relief that may be just and proper.

WHEREFORE, for the above and foregoing reasons the court should grant the requested relief for reasons consistent with the above.

Respectfully submitted this 17 day of May, 2019.



David Earl Wattleton, Pro Se
Reg. No. 50260-019
FMC Rochester
PMB 4000
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FOIA/PA Coordinator
SSA
Altmeyer Bldg
6401 Security Blvd
Baltimore, MD, 21235

Dear Sirs and Madams,

This is a FOIA request pursuant to 5 U.S.C.
§ 552, for Form W-2 for taxable years 1986 - 1999,
the amounts that I have been paid by employer, and
taxes that have been withheld by employer.

Regards,
